

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LENA ANN STONECIPHER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-00609-HBK

ORDER APPROVING PARTIES' JOINT
STIPULATION UNDER SENTENCE FOUR
OF 42 U.S.C. § 405(g) AND REVERSING
FINAL DECISION AND REMANDING
CASE

(Doc. No. 20)

ORDER TO TERMINATE ALL PENDING
MOTIONS AND DEADLINES

Pending before the Court is the parties' Stipulation for Remand filed September 16, 2021.

(Doc. No. 20). Plaintiff Lena Ann Stonecipher and the Commissioner of Social Security jointly stipulate to remand this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g) and for judgment to be entered in Plaintiff's favor. (*Id.*).

The United States Supreme Court held that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary's decision.

See Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney's fees under the Equal Access to Justice Act and calculating deadline using date of final judgment). The *Melkonyan* Court recognized 42 U.S.C. § 405(g) contemplates only two types of remand –

1 sentence four or sentence six. *Id.* at 98. A sentence four remand authorizes a court to enter “a
2 judgment affirming, modifying, or reversing the decision of the Secretary, with or without
3 resetting the cause for a rehearing.” *Id.* at 98 (other citations omitted).

4 Here, the parties’ stipulation and proposed order seeks remand under sentence four and
5 reversal of the Commissioner’s final decision. (Doc. 20 at 1-2). The parties further stipulate that
6 the Administrative Law Judge “will obtain supplemental vocational evidence and reassess
7 whether there are jobs existing in significant numbers in the national economy that Plaintiff could
8 perform. In so doing, the ALJ will resolve any apparent conflicts between this evidence and the
9 *Dictionary of Occupational Titles*, in accordance with Social Security Ruling 00-4p, also
10 explaining why the numbers of jobs cited are significant. The ALJ will further develop the record
11 and issue a new decision on whether Plaintiff was disabled through her date last insured.” (*Id.*).
12 The parties do not stipulate to a new hearing but agree “Plaintiff may demonstrate to the ALJ that
13 the facts of the case warrant another hearing.” (*Id.* at 2).

14 Accordingly, it is now **ORDERED**:

15 1. The Court APPROVES the parties’ Joint Stipulation (Doc. No. 20).
16 2. The Commissioner of Social Security’s decision is REVERSED, judgment shall
17 be entered in favor of Plaintiff, and this case is REMANDED to the Commissioner of Social
18 Security for further proceedings consistent with the parties’ Joint Stipulation and this Order under
19 42 U.S.C. § 405(g), sentence four.

20 3. The Clerk is respectfully requested to terminate any pending motions/deadlines
21 and close this case.

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23 Dated: September 20, 2021


24 HELENA M. BARCH-KUCHTA
25 UNITED STATES MAGISTRATE JUDGE
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